

Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: Altman, Peter A. Art Unit.: 3311  
Pat. No.: 5,551,427 Examiner: Stephen D. Huang (orig. appl.)  
David M. Ruddy (appl. SN 09/146,120)  
Issued: September 3, 1996 Atty Docket No.: 23,403-05  
For: Implantable Device for the Effective Elimination of  
Cardiac Arrhythmogenic Sites

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PRELIMINARY AMENDMENT

Commissioner for Patents  
Washington, D.C. 20231

This Preliminary Amendment accompanies an application for reissue of the above-identified U.S. patent. Prior to consideration of the reissue application on the merits, please amend the application as follows:

In the specification:

On page 1, lines 1-3, delete "Implantable Device for the Effective Elimination of Cardiac Arrhythmogenic Sites" and insert – IMPLANTABLE DEVICE FOR PENETRATING AND DELIVERING AGENTS TO CARDIAC TISSUE -- .

On page 1, beginning immediately after line 3, insert the following paragraph:

The present application is one of two reissue applications filed for the reissue of U.S. Patent No. 5,551,427. The other is reissue application Serial No. 09/146,120, filed September 1, 1998, of which the present application is a divisional.

In the claims:

The accompanying Reissue Application as new claims 27-31 directed to the use of a device with an element adapted to penetrate heart tissue and deliver to surrounding tissue a

pharmacological agent, which may comprise an angiogenic agent such as a growth factor or other agent, and a process for penetrating heart tissue to locally deliver such agents to the tissue.

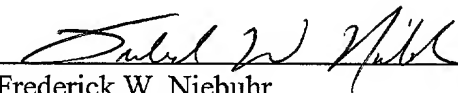
The foregoing amendments to the specification and claims are presented in the accompanying reissue application.

#### REMARKS

The applicant respectfully requests entry of the foregoing amendments and consideration of claims 27-31 on the merits.

Respectfully submitted,  
Peter A. Altman

Date: December 11, 2001

By:   
Frederick W. Niebuhr  
Registration No. 27,717




PATENT & TRADEMARK OFFICE

#### EXPRESS MAIL CERTIFICATE

Pursuant to 37 C.F.R. 1.10, I hereby certify that this Preliminary Amendment and accompanying documents identified herein are being deposited with the U.S. Postal Service by Express Mail, post office to addressee service, addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date of deposit and under the mailing label number indicated below.

Date of Deposit: December 11, 2001  
Express Mail Label No.: EL895072214US

  
Geraldyn M. Vita